

Serial No.: 09/245,625

question of patentability. Entry of this amendment is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 23-24 were rejected under 35 U.S.C. § 102(b) as anticipated by Hill, U.S. Patent 5,098,711 ("Hill"). Claims 23 and 24 have been cancelled. With respect to claim 1, this rejection is respectfully traversed.

The Office asserts that the "polymers of [Hill] are the same as those of the instant claims." Paper 5, page 2, lines 20-21. With respect to claim 1, this assertion is respectfully traversed.

Hill discloses a dental floss comprising strands of "natural and/or synthetic fibers and mixtures thereof including cotton, silk, polyester and nylon." Column 12, lines 11-13. Claim 1 of the above-captioned application recites "a fiber of an elastomeric polymer." It is respectfully submitted that none of the polymers disclosed by Hill is an "elastomeric polymer." Thus, the polymers of Hill are not the same as those of the instant claims. Rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Hill is improper and should be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claim 1-29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Burch, U.S. Patent 5,433,226 ("Burch"), in view of Hill. Claims 23 and 24 have been cancelled. With respect to claims 1-22 and 25-29, this rejection is respectfully traversed.

Burch discloses a dental floss comprising a fiber having a core of a segmented polymer. Abstract. The Office admits that Burch does not disclose impregnating the fiber with chemotherapeutic agents. Paper 5, page 3, lines 13-14.

The Office relies on Hill "for teaching nylon dental floss with chemotherapeutic agents such as penicillin, sodium fluoride,

stannous fluoride, or chlorhexidine are impregnated within the nylon dental floss by dipping the floss into an agitated bath containing the therapeutic agent." This assertion is respectfully traversed.

Hill does not teach that chemotherapeutic agents "are impregnated within the nylon dental floss by dipping the floss into an agitated bath containing the therapeutic agent." Hill teaches loading the active agent into the interstitial spaces between the strands of a multistrand nylon fiber. Column 13, lines 58-62.

Applicants teach that active agent can be imbibed into an elastomeric dental floss by placing it in a bath containing active agent. The Office is improperly combining applicants teachings with the teachings of Hill to make this rejection.

Burch teaches an elastomeric dental floss. Hill teaches loading an active agent into the interstitial spaces between the strands of a multistrand fiber. Neither reference discloses or suggests a therapeutically effective amount of a chemotherapeutic agent imbibed in an elastomeric fiber. Consequently, combination of the references in the manner indicated by the Office does not produce applicants' invention. Rejection of claims 1-22 and 25-29 as unpatentable over Burch in view of Hill is improper and should be withdrawn.

Conclusion

It is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is earnestly solicited. The Examiner is invited to phone applicants' attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

Serial No.: 09/245,625

Respectfully submitted,

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